

**TOWN COUNCIL
REGULAR MEETING
MAY 6, 1998**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Al Tyler indicated that he had learned about the Town's flex program from Broward County Commissioner Lori Parrish and stated that this program was serious and dangerous.

Mr. Tyler questioned why the City of Cooper City's taxes were lower than the Town's and discussed the Town's water issue with the City of Sunrise.

Tom Truex indicated that it was inevitable that Griffin Road would soon be under construction by the Florida Department of Transportation but it was not inevitable that the area had to have a hodge podge of uses. He asked Council to protect the character and dignity of Griffin Road. Mr. Truex also asked that Council listen to the neighbors and include the neighborhood in any discussions for this area.

An unidentified woman (Alicia Nichols) indicated that there were discrepancies in the site plan for Pasadena Estates that Council approved and the changes that had subsequently been made by the Planning and Zoning Division. Development Services Department Michele Mellgren responded that an issue with site plan changes had been discussed at a previous Council meeting with Mr. Webber being directed to conduct research. Mr. Webber indicated that his research had not been completed and he would report back to Council. Mayor Venis questioned the commitment made by the developer. Ms. Mellgren replied that issues were raised by the homeowners and Howard Zimmerman would be responding to those issues. Mayor Venis asked that a meeting be scheduled that he could attend.

Debbie Hoffman provided Police Chief Jack Mackie and Fire Chief Michael Donati with a video on the care for large animals should an accident happen. She also provided a list of equine veterinarian emergency phone numbers.

Ruth Bernisis, 1601 SW 116 Avenue, stated that she was upset with the development on State Road 84 and Hiatus Road as it was had nothing to do with Town's character. She also questioned the fence along State Road 84 and indicated that the fence was looking ragged. Assistant Town Administrator Robert Rawls advised that no one was pleased with the fence; however, the fence was required by a federal mandate which he explained. He stated that the Town had lobbied the State of Florida for many years for the fence to be removed but had been unsuccessful. Ms. Mellgren advised that an apartment complex was being built on the corner of State Road 84 and Hiatus Road. She indicated that the property had originally been zoned as commercial property which would have allowed a shopping center at this location. Ms. Mellgren added that the property was rezoned to allow for the apartment complex and in return, the Town obtained property for a library to be built in this area.

4. PRESENTATIONS

4.1 Legislative Report - David Sigerson

Mr. Sigerson stated that he felt that the Town had an extraordinarily successful legislative session. He provided a report on: the four annexation bills; a "glitch" bill pertaining to the Southwest Ranches annexation; water issues and the establishment of a South Broward Utility Water Advisory Board; and the Young At Art Museum.

4.2 Davie Water Advisory Board

Dean Alexander, Chair, read a letter commending Mayor Venis and Council for their efforts on the water issue with the City of Sunrise. He indicated that the Board supported this effort and he urged Council to fully support Mayor Venis' initiative.

4.3 Davie/Cooper City Chamber of Commerce

Cara Pasquale, President, advised of the events that the Chamber was planning.

4.4 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: expansion of youth basketball program (registrations accepted through May 29th); awards recognition of youth softball and baseball programs (May 14th - 15th); National Fitness Month (May); and summer program jobs (on-going). Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Keep Davie Beautiful float ride (May 16th); Concert in the Park (May 17th); 5 Star Rodeo (May 22nd - 23rd); Memorial Day weekend events (May 24th - 25th); and grand opening of Robbins Lodge (May 30th).

Chief Mackie advised that the new neighborhood policing facility located at SW 148 Avenue and Griffin Road would be opening on May 9th.

5. OCCUPATIONAL LICENSES

5.1 Blast-Off Quality Pressure Cleaning, 3251 SW 133 Terrace

The applicant was not present.

5.2 Casey's Cuts, 2641 SW 154 Lane

Carey Brand, the applicant, was present. She confirmed that the request was for mail and phone use only. Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

5.3 Southern Pools, Inc., 13460 SW 29 Street

Don Koponen, the applicant, was present. He confirmed that the request was for mail and phone use only. Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 8.11 needed to be tabled to May 20, 1998.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to table [to May 20, 1998]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 10.4 needed to be tabled to June 3, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table [to June 3, 1998]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis stated that a resolution needed to be added to the agenda as item 13.3.

Councilmember Paul made a motion, seconded by Councilmember Bush, to add. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

6. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER WEINER

DRUG ABUSE RESISTANCE EDUCATION (DARE). Councilmember Weiner thanked Chief Mackie and Officers Gasse and Jozwiack for the DARE graduation.

JUGGLING. Councilmember Weiner stated that he and his children attended a juggling show at Florida Atlantic University.

UPCOMING EVENTS. Councilmember Weiner stated that he was looking forward to the upcoming events.

VICE-MAYOR COX

ROBBINS LODGE. Vice-Mayor Cox invited everyone to attend the grand opening of Robbins Lodge on May

30, 1998.

COUNCILMEMBER BUSH

EVENTS. Councilmember Bush stated that he participated in the Jim Kiick Golf tournament to benefit the EASE Program. He stated that he also participated in the 39th Annual Founder's Day sponsored by the City of Cooper City.

COUNCILMEMBER PAUL

TAKE-A-KID FISHING. Councilmember Paul stated that she attended the Take-A-Kid Fishing Day and thanked Judy Fitzsimmons from Everglades Pro Bass for her involvement.

FIRE DEPARTMENT. Councilmember Paul indicated that she had spent time with the Fire Department and had the opportunity to observe the Town's and AMR's operations.

STUDENT OF THE MONTH. Councilmember Paul stated that she had attended the past few Student of the Month events which was a wonderful program conducted by the Town's Police Department.

INFORMATIONAL MEETINGS. Councilmember Paul mentioned that she had been holding informational meetings with the residents in the District 4 area and she hoped that more people would attend future meetings. She thanked Chief Mackie for responding to some of the concerns that were mentioned at these meetings in a quick and efficient manner.

MAYOR VENIS

SOCCER. Mayor Venis stated that the National Ladies Soccer Team was looking at different practice locations and he had met with officials from the Team. He said that the Team wanted to train for the nationals and then proceed to the Olympics held in 2000/2001.

NATIONAL NIGHT OUT AGAINST CRIME. Mayor Venis stated that the Town would be holding a National Night Out Against Crime next year.

GROUNDBREAKING. Mayor Venis indicated that he attended Bill Siedle's Mitsubishi ground breaking and wished the Siedle family a lot of success in the Town.

TAKE YOUR DAUGHTER TO WORK DAY. Mayor Venis stated that he had participated in the Take Your Daughter To Work Day which his daughter enjoyed.

OLDE BRIDGE RUN MEETING. Mayor Venis advised that he would be meeting with the residents of Olde Bridge Run on their concerns.

THANKS. Mayor Venis thanked everyone for their well wishes when he was sick.

7. TOWN ADMINISTRATOR'S COMMENTS

BEST MAYOR/BEST CITY IN BROWARD COUNTY. Mr. Flatley stated that Mayor Venis had been selected as one of the best Mayor's in the County and the Town had also been selected as one of the best municipalities.

EVENTS SCHEDULED FOR MAY 9TH. Mr. Flatley invited everyone to attend the grand opening of Harmony Village which was schedule for 9:00 a.m. He added that at 10:00 a.m., Council would be cutting the ribbon at the new neighborhood policing facility. Mr. Flatley stated that the Ninth Annual Young At Art Birthday Party was scheduled for 11:00 a.m.

8. CONSENT AGENDA

Minutes

8.1 March 4, 1998 - Regular Meeting

8.2 April 15, 1998 - Regular Meeting

Proclamations

8.3 Day of Prayer (May 7, 1998)

8.4 Letter Carriers Food Drive Day (May 9, 1998)

8.5 Gregory A. Clark Day (May 15, 1998)

8.6 Stand for Children Day (June 6, 1998)

Parade Permit

8.7 Boy Scouts of America, South Florida Council (May 25, 1998; from 10:00 a.m. to 11:00 a.m.)

Resolutions

8.8 **PREANNEXATION AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-132 FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN ANNEXATION AGREEMENT BETWEEN UNIPROP MANUFACTURED HOUSING COMMUNITIES INCOME FUND I (KINGS MANOR MOBILE HOME PARK), AND THE TOWN OF DAVIE, FLORIDA. (tabled from April 15, 1998)

8.9 **EXTENDING CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-133 FLORIDA, EXTENDING THE CONTRACT FOR OFF-SITE RECORD STORAGE. (Pierce Leahy)

8.10 **EXTENDING CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-134 FLORIDA, EXTENDING THE CONTRACT FOR AN INDEPENDENCE DAY FIREWORKS DISPLAY AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR SUCH SERVICES. (Zambelli Internationale Fireworks; \$10,000)

8.11 **EXTENDING CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE CONTRACT FOR CONCESSIONAIRE SERVICES FOR THE DAVIE ARENA. (Boston Concessions, Inc.; \$6,000/month payment to Town)

8.12 **EXTENDING CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-135 FLORIDA, EXTENDING THE CONTRACT FOR ARBORIST SERVICES. (Tree Trimmers, Inc.)

8.13 **EXTENDING BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE BID FOR PRINTING OF THE TOWN OF DAVIE UPDATE. (South Florida Newspaper Network; approximately \$18,000/year)

8.14 **EXTENDING BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-136 EXTENDING THE BID FOR SUPPLY AND INSTALLATION OF GUARDRAIL (Southeast Cattle Co., Inc.)

8.15 **WAIVING BIDDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-137 WAIVING FORMAL BIDDING TO TAKE ADVANTAGE OF TAX SAVINGS FOR PURCHASE OF MAJOR COMPONENTS FOR THE NEW POLICE HEADQUARTERS AND FIRE/EMS BUILDINGS. (James A. Cummings, Inc.)

8.16 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-138 BID FOR ELECTRONIC PRINTING AND MAILING OF TOWN OF DAVIE FORMS. (Avatar Utility Services; lowest responsive and responsible bidder)

8.17 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-139 STATE CONTRACT BID 070-100-400, TO PURCHASE 1 POLICE VEHICLE AS A REPLACEMENT FOR 3 TOTALED VEHICLE LOSSES DUE TO ACCIDENTS. (Duval Ford, Inc.; \$2,383.16 cost is difference from insurance reimbursement)

8.18 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-140 BID FOR BODY ARMOR, STATE OF FLORIDA BID 680-850-98-1. (G & L Distributors; not to exceed \$27,000)

8.19 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-141 BIDS FOR TRANSCRIPTION SERVICES. (Police Department - Martin B. Warren, Inc.; Town Clerk's Office - lowest bidder dependent upon service required)

8.20 PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-142 AUTHORIZING THE PURCHASE OF RF MODEMS TO BE UTILIZED BY THE POLICE DEPARTMENT WITH THEIR LAPTOP COMPUTER PROGRAM. (Inet, Inc.; 45 modem cards with antenna connection cables at a total cost of \$30,330)

8.21 PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA, R-98-143 AUTHORIZING THE PURCHASE OF MOBILE COMPUTER MOUNTS TO BE UTILIZED BY THE POLICE DEPARTMENT WITH THEIR LAPTOP COMPUTER PROGRAM. (Assembled Products Corporation; 45 mounts for use with each laptop at a total cost of \$10,350)

8.22 PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA, R-98-144 AUTHORIZING THE CDPD TO BE UTILIZED BY THE POLICE DEPARTMENT WITH THEIR LAPTOP COMPUTER PROGRAM, TO BE FUNDED FROM THE LAW ENFORCEMENT TRUST FUND. (AT&T Wireless Services; \$49/unit per month plus a one time activation fee, not to exceed \$45/unit)

8.23 PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-145 AUTHORIZING THE PURCHASE OF A CANINE CAGE FOR THE DAVIE POLICE DEPARTMENT FROM THE LAW ENFORCEMENT TRUST FUND. (E-Z Rider All Aluminum K-9 Container; \$1,419.66)

8.24 PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-146 AUTHORIZING THE PURCHASE OF ONE K-9 LIFEGUARD ALERT SYSTEM AND THREE LIFESAVER REMOTE DOOR OPENERS FOR THE DAVIE POLICE DEPARTMENT FROM THE LAW ENFORCEMENT TRUST FUND. (Radiotronics Inc.; one K-9 Lifeguard Alert System and three K-9 Lifesaver Remote Door Openers at a total cost of \$2,994)

8.25 SCHOOL RESOURCE OFFICER PROGRAM - A RESOLUTION OF THE TOWN OF R-98-147 DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE SUBJECT TO BUDGETARY APPROVAL TO PROVIDE SCHOOL RESOURCE OFFICER PROGRAM FOR SIX ELEMENTARY SCHOOLS OF DAVIE. (Davie Elementary, Flamingo Elementary, Hawkes Bluff Elementary, Nova Blanche Forman Elementary, Nova Eisenhower Elementary, and Silver Ridge Elementary)

8.26 SCHOOL RESOURCE OFFICER PROGRAM - A RESOLUTION OF THE TOWN OF R-98-148 DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE SUBJECT TO BUDGETARY APPROVAL TO PROVIDE SCHOOL RESOURCE OFFICERS FOR WESTERN HIGH SCHOOL AND INDIAN RIDGE MIDDLE SCHOOL.

8.27 APPLICATION FOR ACCREDITATION - A RESOLUTION OF THE TOWN OF R-98-149 DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF THE NATIONAL COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES (CALEA) APPLICATION FOR ACCREDITATION AND POLICY DEVELOPMENT SOFTWARE TO BE UTILIZED BY THE POLICE DEPARTMENT TO ACHIEVE NATIONAL ACCREDITATION. (\$1,000)

8.28 SUBORDINATION OF UTILITY INTERESTS - A RESOLUTION OF THE TOWN R-98-150 OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO

EXECUTE A SUBORDINATION OF TOWN UTILITY INTERESTS IN FAVOR OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE WIDENING OF GRIFFIN ROAD; AND PROVIDING AN EFFECTIVE DATE.

8.29 MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-151 APPROVING THE SPECIAL MASTER'S RECOMMENDATION FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 95-235 FROM \$1,750 IN AMOUNT TO \$400; AND PROVIDING AN EFFECTIVE DATE. (Charles Rosenbaum d/b/a Charles Rosenbaum Towing)

8.30 WAIVER OF FEES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-152 AUTHORIZING THE TOWN OF DAVIE TO WAIVE BALLFIELD PERMIT AND LIGHT FEES FOR THE PERIOD OF MAY - AUGUST, 1998 FOR THE DAVIE GIRLS SOFTBALL, INC. AND TO WAIVE BALLFIELD PERMIT AND LIGHT FEES FOR THE DAVIE SHOOTOUT SOFTBALL TOURNAMENT FROM JUNE 12-14, 1998. (waiver of \$8,740)

8.31 GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-153 AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR GRANT FUNDING UNDER THE FLORIDA MOTOR VEHICLE THEFT PREVENTION AUTHORITY PROGRAM ADMINISTERED BY THE FLORIDA OFFICE OF THE ATTORNEY GENERAL. (total grant of \$48,792; no local cost share or match requirement)

8.32 INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-98-154 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY, THE TOWN OF DAVIE AND OTHER MUNICIPAL AND PUBLIC AGENCIES TO SHARE THE RESOURCE BURDEN OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS.

8.33 TRAFFICWAYS BEAUTIFICATION IMPROVEMENTS - A RESOLUTION OF R-98-155 THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF HOLLYWOOD FOR TRAFFICWAYS BEAUTIFICATION IMPROVEMENTS TO DAVIE ROAD EXTENSION FROM UNIVERSITY DRIVE TO STIRLING ROAD AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.

8.34 AMENDMENT TO LOCAL OPTION GAS TAX - A RESOLUTION OF THE TOWN R-98-156 OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE FIFTEENTH AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE.

8.35 AMENDMENT TO LOCAL OPTION GAS TAX ON MOTOR FUEL - A R-98-157 RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.

8.36 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-158 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "YOUNG WORLD PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 4-1-98, 3700 University Drive)

8.37 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,

R-98-159 AUTHORIZING A REVISION TO THE ACCESS OPENINGS OF THE " ZACCO PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 4-2-98, 2801 Reese Road)

8.38 **TRI-PARTY AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-160 FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND BERMAN RANCH, INC., RELATING TO THE ISSUANCE OF BUILDING PERMITS WHILE PLATTING IS IN PROGRESS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT. (DG 4-4-98, 5701 Stirling Road)

8.39 **HIATUS ROAD** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-161 ADVISING THE BROWARD COUNTY PLANNING COUNCIL THAT THE TOWN IS WILLING TO ASSUME OWNERSHIP, MAINTENANCE AND LIABILITY RESPONSIBILITIES FROM BROWARD COUNTY FOR HIATUS ROAD NORTH OF SW 14 STREET TO SR 84 IF SAME IS REMOVED FROM THE BROWARD COUNTY TRAFFICWAYS PLAN.

8.40 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-162 AUTHORIZING THE APPLICATION FOR FUNDING OF THE UNIVERSAL HIRING GRANT FOR FOUR ADDITIONAL POLICE OFFICERS UNDER THE COMMUNITY ORIENTED POLICING PROGRAM ADMINISTERED BY THE U.S. DEPARTMENT OF JUSTICE.

8.41 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-163 AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE BROWARD COUNTY COMMISSION ON SUBSTANCE ABUSE FOR THIRD YEAR FUNDING UNDER THE FEDERAL ANTI-DRUG ABUSE ACT; PROVIDING FOR MATCHING FUNDS. (local match of \$14,175)

8.42 **RECOGNITION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-164 RECOGNIZING THE SIGNIFICANT COMMUNITY CONTRIBUTIONS OF GREGORY A. CLARK TO THE TOWN OF DAVIE AS AN EDUCATOR AND LEADER AND ACKNOWLEDGING THESE ACCOMPLISHMENTS THROUGH THE RECOGNITION OF S.W. 13TH STREET WEST OF NOB HILL ROAD AS "GREGORY A. CLARK PLACE"/S.W. 13TH STREET.

8.43 **WORK EXPERIENCE PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-165 FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO PARTICIPATE IN THE BROWARD EMPLOYMENT AND TRAINING ADMINISTRATION COMMUNITY WORK EXPERIENCE PROGRAM.

Ordinance - First Reading (Public Hearing to be held May 20, 1998)

8.44 **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A UTILITY AND ACCESS EASEMENT FROM THE TOWN OF DAVIE, AND PROVIDING AN EFFECTIVE DATE. (VA 2-1-98, Hawkes Bluff Avenue)

Councilmember Weiner asked that item 8.3 be removed from the Consent Agenda. Mayor Venis asked that items 8.7 and 8.13 be removed. Mr. Webber asked that item 8.8 be removed. Councilmember Paul asked that items 8.15 and 8.39 be removed.

Town Clerk Reinfeld read the ordinance - first reading by title only. Mayor Venis advised that a public hearing on item 8.44 would be held on May 20, 1998.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve the Consent Agenda without 8.3, 8.7, 8.8, 8.13, 8.15 and 8.39 [item 8.11 was previously tabled to May 20, 1998]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.7 An unidentified scoutmaster discussed the upcoming Memorial Day events. He present patches and a plaque

to Council for its assistance.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.8 Mr. Webber explained that in paragraph 15, it was indicated that the Town would process the rezoning application; however, it had been decided that the property owner would apply to Broward County for a rezoning. He indicated that the last sentence in paragraph 15 would be deleted.

Vice-Mayor Cox questioned if the rezoning was to allow for the marketing of mobile homes. Sue Delegal, representing Uniprop, indicated that nothing had been decided at this point.

Councilmember Bush made a motion, seconded by Councilmember Paul, to approve with the change. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.3 Councilmember Weiner indicated that he did not believe that the Town should be promoting one religion. Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - no. (Motion carried 4-1)

8.13 Mayor Venis stated that he would like the opportunity for Southeast Publishers to look at this bid. He said that this firm had donated a number of printing jobs to the Town and he wanted to give them an opportunity. Vice-Mayor Cox questioned if the process would be open to all bidders. Mayor Venis and Mr. Flatley responded in the affirmative.

Mayor Venis passed the gavel and made a motion to table to May 20, 1998. Councilmember Bush seconded the motion. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.15 Councilmember Paul requested an explanation. Councilmember Weiner requested in the future, a list of items that were perceived to be necessary before a resolution waiving a bid was provided to Council. Procurement Manager Herb Hyman explained the resolution.

Councilmember Paul made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.39 Councilmember Paul stated that she was happy that this matter was moving forward.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9. SITE PLANS

9.1 SP 10-1-97, Eckerd's - Griffin Road, 7801 Griffin Road (B-2) (tabled from April 1, 1998) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee motion was to approve per staff's recommendation with the continuation of the split block down the west facade and per staff's recommendation included in that*

Jim Mullin, representing the petitioner, was present. Gayle Easterling, Planning and Zoning Manager, read the planning report.

Vice-Mayor Cox announced that she had met with the applicant on the additions to the site plan.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.2 SP 12-9-97, Petrozone @ Davie, 8491 Orange Drive (B-3) (tabled from April 15, 1998 to return to Site Plan

Committee) *Planning and Zoning Division approved subject to the planning report; on 02/24/98 the Site Plan Committee approved subject to the planning report with the exception of number 5B, as well as switching four Calathea trees on the south side with the existing palms that are required on the site, eliminating item 4 in the planning report, changing the roof slope from 3:1 to 4:1; and, providing 60 additional Ixora Nora Grant hedges in the terminal islands on the west side of the store; on 04/28/98 the Site Plan Committee approved subject to the planning report and that the east elevation shall be continued and that the five points of the homeowners association of Pine Island Bay be incorporated*

Hector Venas, representing the applicant, was present. Ms. Easterling read the planning report.

Vice-Mayor Cox questioned the drainage issue with Mr. Rawls replying that the problem was solvable.

Councilmember Weiner indicated that he had spoken to a number of residents who were concerned with the drainage.

Mr. Venas advised that the applicant was trying to make the changes requested by staff and the neighbors. He stated that the drainage issue applied to the whole parcel and this site plan was for a small portion of the parcel.

Mr. Venas added that they were working on the drainage problem for the entire parcel.

Ms. Easterling requested that the motion include that the colors of white background with blue letters be incorporated on the plans. Ms. Mellgren added that the motion may want to include a statement that what was shown on the site plan was exactly what would be built and if there were any substantial modifications, the site plan would return to Council for further consideration.

Mayor Venis thanked the applicant for meeting with the residents of Pine Island Bay.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve with the staff recommendations and the caveat that if there were any substantial changes that they be brought back to Council. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.3 SP 11-3-97, Stirling Meadows, 7900 Stirling Road (RM-5) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report, recordation of the plat, maximum time for the construction trailer to be 18 months, the temporary sales area to remain only until the models open, bringing back colors, models, elevations, and material samples, and providing plans for the cabana and tot lot amenities*

Bonnie Miskel, representing the petitioner, was present. Ms. Easterling read the planning report.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.4 SP 2-2-98, Norton Carbide Tools Quarters, 4475 SW 57 Terrace (B-2) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report, the addition of four columns to the front, balanced and equally spaced, adding a boxed area around the signage on the front face, that all mechanical equipment be pulled to the center of the roof, and reducing the height of the buttonwood to 10 to 12 feet*

Gus Aguirre, representing the petitioner, was present. Ms. Easterling read the planning report.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.5 SP 2-8-98, Pointe West Commerce Center, 15881 SW 41 Street (BP) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report as amended, that the additional height be added to the elevation, as well as using the colors as shown on the elevation, screening of the air conditioning unit, and having the additional landscaping notes as required by the amended planning report*

Malcum Butters, representing the petitioner, was present. Ms. Easterling read the planning report along with amended staff recommendations and indicated that items 5 and 7 were no longer issues.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve subject to staff's

recommendation with the exception of 5 [changing the Cypress to Wax Myrtle along SW 41 Street] and 7 [removing "dry retention" area along the north perimeter]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10. PUBLIC HEARINGS

Mayor Venis opened the public hearing of the portion.

Ordinances - Second and Final Reading

10.1 AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-20 AMENDING ORDINANCE NO. 97-57 WHICH WAS AN ORDINANCE VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN THE FOREST RIDGE CLUSTER HOMES I PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 7-1-97, 2966 Myrtle Oak Court)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-21 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM T-1C(HAC. VILL.) AND B-2 (HAC. VILL.) TO RM-16; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-1-98, American Land Housing Group, Inc./Collier Properties Partners, 3703 State Road 84)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-22 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO B-2; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-2-98, Sims, 4700 South University Drive)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Item to be tabled

10.4 STAFF REQUESTING A TABLING TO JUNE 3, 1998

VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF A 60 FOOT ROAD RIGHT-OF-WAY FOR HAWKE'S BLUFF AVENUE AND ADJACENT 12 FOOT UTILITY EASEMENT WITHIN THE WAVERLEY HUNDRED PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 2-1-98, Town of Davie, 6700 block of Hawkes Bluff Avenue)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

11. RESOLUTIONS

11.1 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "HACIENDA RIVERFRONT PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 2-1-98, 3703 State Road 84)

Town Clerk Reinfeld read the resolution by title.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

12. APPOINTMENTS

12.1 Unsafe Structures Board (1 non-exclusive appointment - real estate appraiser; term expires April 2001)

Mayor Venis nominated Keith Alexander. Vice-Mayor Cox nominated Tom Wachtstetter. She questioned if there was a conflict as Mr. Alexander's father also sat on this Board. Mr. Webber questioned if the individuals lived together with a negative response being received. Mr. Webber indicated that he did not think this would be a problem.

On Mr. Alexander's nomination, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-1)

12.2 Planning and Zoning Board (5 exclusive appointments with appointees having to be legal residents of the Town - one appointment per Councilmember; terms expire May 1999)

Councilmember Weiner appointed George Greb. Vice-Mayor Cox deferred her appointment to the May 20, 1998 meeting. Mayor Venis appointed Jay Stahl. Councilmember Bush appointed John Pisula. Councilmember Paul appointed Lawrence Kivin.

13. DISCUSSION AND POSSIBLE ACTION - OLD BUSINESS

13.1 Griffin Road Corridor Study

Ms. Mellgren announced that this study would constitute a zoning in progress and indicated that she expected her study to be completed within 60 days.

13.2 Emergency Medical Services (EMS)

· Request from April 15, 1998 Council meeting for a determination if money was available to purchase two units and hire two additional Fire Department employees

Christopher Wallace, Director of Budget and Finance, indicated that a workshop was held regarding the EMS system on May 5th. He indicated that for the remainder of the fiscal year, the Town could finance the acquisition of the apparatus and the hiring two additional personnel. He stated that he would need to go into the Town's reserve to appropriate money which would require an ordinance and added that this would not be a financial burden to the Town. Mr. Wallace advised that past October 1st, financial concerns would be raised. He indicated that Chief Donati had made a recommendation which was supported by Mr. Flatley. Mr. Wallace stated that talks had been held discussing the negotiation with American Medical Response (AMR) and the Town would not have to hire the additional two personnel if the same could be accomplished with two personnel. He stated that the Town would expect to be reimbursed for capital related items but not personnel. Mr. Wallace added that the Town would issue debt at a later date and indicated that this was a financial decision. He stated that the total cost from now until October would be \$192,000 with discussion following.

Councilmember Weiner stated that the previous discussion centered on beginning training as the Town needed to provide AMR with 120 days notice that the Town would be providing EMS services at one of the stations.

Councilmember Paul stated that she understood that the quote for the equipment was a good price and the equipment was currently available. She indicated that because of the "lag time", she would like go with the additional personnel.

Councilmember Weiner questioned if the vehicles would still be available after the two readings of an ordinance.

Dale Koger, representing Wheel Coach, responded that he did not think they would be available as they were

demo units and he had two orders pending.

Vice-Mayor Cox stated that she had some serious misgivings about the Town taking over a station between now and October. She indicated that she did not have a problem with buying units if they were to be used to train the employees.

Councilmember Weiner questioned if this purchase could proceed prior to the readings of the ordinance because of the availability of the units. Mr. Webber stated that emergency action would have to be taken for an emergency appropriation and he did not know if this would constitute an emergency unless it was determined that these units would be lost if Council did not act and other similar vehicles were available. He added that there was also the issue that there had been no bidding process if these units were purchased and a waiver of competitive bidding would be needed.

Mr. Koger explained the units that were available and indicated that the new unit could cost a minimum of \$5,000 to \$6,000 higher and it did not include the cost of the chassis and the conversion work for the chassis. He added that a suspension system had not even been designed for the new unit. Mr. Koger indicated that because of this, the units would not be delivered until sometime next year. Discussion followed.

Councilmember Weiner questioned the formalities to declare an emergency. Mr. Webber advised that the Charter provided that Council must find that the emergency affected life, health, property or the public peace and must be recommended by the Town

Administrator or designee. He explained the process to adopt an emergency ordinance. Mr. Flatley stated that for the sake of public peace, he indicated that he could declare an emergency.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to make an emergency motion to approve the purchase of the two vehicles utilizing funds from the reserve and waiving competitive bidding.

Vice-Mayor Cox disagreed as this purchase did not meet the criteria that was stated by Mr. Webber and she thought that bidding was an important issue. She indicated that she could not vote in favor. Councilmember Bush agreed and indicated that no one had demonstrated that the four criteria had been met. Vice-Mayor Cox indicated that she was in favor of buying the units but she had a problem with declaring the purchase an emergency.

Councilmember Weiner indicated that if Mr. Koger was willing to hold the vehicles while the Town processed the paperwork, he would be willing to withdraw his motion. Mr. Koger indicated that he had held the vehicles for three weeks and had turned down previous offers. Councilmember Weiner questioned if the company would be willing to accept a refundable deposit. Mr. Koger replied in the affirmative and indicated that he would need to have a deposit of 5% of the purchase price.

Councilmember Weiner amended his motion to issue a purchase order and deposit of \$6,500 or 5% of the purchase price to Wheel Coach Industries, Incorporated. Mr. Webber questioned if the purchase order would be subject to subsequent appropriation. Councilmember Weiner responded affirmatively and added that his motion was for a refundable deposit payable to Wheel Coach Industries, Incorporated.

Vice-Mayor Cox asked for a written statement on the actual cost of the vehicles along with a statement on the costs of Broward County's surplus vehicles.

Councilmember Paul seconded the amended motion. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

· Council Direction from May 5, 1998 Workshop

Chief Donati stated that he felt that to implement the Town's EMS system, two individuals needed to be hired immediately and the Town could begin operating out of Station 68 after the training period. He added that this Station should be on line by October 1st. Chief Donati indicated that in June 1998, the hiring process needed to begin to hire individuals by October 1998 to staff Station 65 with the EMS service beginning in April. He stated that from April to the end of AMR's contract [which was October 1999] and with changing the staffing from three to two individuals, Station 38 could be taken over without having to hire additional personnel. Chief Donati added that within six months from October 1999, Station 91 could be taken over with the hiring of nine individuals in October. He stated that during these six months, arrangements could be made with AMR to continue service at Station 91. Chief Donati advised that by the year 2000, the EMS system would be run by the Town's Fire Department.

Mr. Flatley stated that AMR was willing to meet. Councilmember Paul requested that the individuals who negotiated the contract be part of the meeting.

Councilmember Weiner distributed a proposal from Broward County concerning the loaning of County paramedic and equipment at the County's cost. He stated that the only provision was if the Town was willing to discuss the possibility of some type of joint powers agreement with the County, Cooper City and Weston. Councilmember Weiner questioned if this would impact the Fire Department's hiring needs. Chief Donati replied that he would need to evaluate the proposal and recommended that the Town meet with the County to discuss the proposal. Mayor Venis asked for a detailed report on the proposal at the next meeting. Councilmember Weiner indicated that he would like to be present at the meeting. Mayor Venis indicated that he would like to be present at the negotiations with AMR.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to move forward in taking over one station by October 1998.

Vice-Mayor Cox discussed the EMS system's history and questioned why this matter was being pushed forward. A lengthy discussion followed with Councilmember Weiner suggesting that all the information be provided to allow Council to decide at the June 3rd meeting what the impact would be and then enough personnel could be hired to take over a station in November. Vice-Mayor Cox stated that this could be done if the "financials" were okay.

Councilmember Paul thought that Chief Donati's plan was excellent in terms of taking over one station by October 1st and she was comfortable with the discussion regarding finances.

Councilmember Paul amended her motion to indicate November instead of October. Vice-Mayor Cox advised that she was not comfortable with November until the County's information had been reviewed. She added that her problem was moving forward and having more fees assessed against the Town's residents in an effort to provide the service.

Mr. Webber clarified that the contract addressed the contingency of the Town building a new fire station and it gave AMR the right to provide service to this new station unless the Town elected otherwise. He stated that there was still an election process and the same criteria for manning for taking over an existing station.

Councilmember Paul amended her motion to indicate October. Vice-Mayor Cox reiterated that her concern was with the financial impact to the residents, the business people and the schools. She indicated that she would be okay with it if it was financially sound.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 3-2)

· Request from April 15, 1998 Council meeting for Town Attorney and staff to prepare a response to the issues raised in George Platt's letter

Mr. Webber stated that he disagreed with Mr. Platt's contention that it would be unlawful for the Town to withhold the 20% incentive. He indicated that it totally discretionary on the Town's part to withhold the 20% in the event that the fractile response time was not met. Mr. Webber advised that this was not a penalty as indicated in Mr. Platt's letter but an incentive provision.

Mr. Webber indicated that Mr. Platt indicated that conditions had changed since the time of the contract award with their concerns being 1) the number of calls represented by the Town for the year 1993 and 1994 and 2) the Town's population. He explained that the contract and the request for proposal did not make a reference to calls but it did reference transports. Mr. Webber agreed that the number of calls far exceeded what was expected, however, he did not feel there was any misrepresentation on the Town's part as the contract only referred to transports.

Mr. Webber stated that Mr. Platt indicated that there were more people in the Town because of the annexations; however, the contract did not address annexations and there was no prohibition for the Town to annex. He indicated that these annexations most likely affected AMR and explained that if the annexations affected the number of transports by $\pm 15\%$, either side had a right to reopen negotiations.

Mr. Webber advised that AMR was requesting the right to examine the Town's response time data which he agreed with. He stated that the contract did not, however, require that the Town seek AMR's agreement regarding fractile response time. Mr. Webber indicated that if AMR disagreed with the Town's numbers, AMR had the opportunity to demonstrate where the Town was wrong. He stated that if the fractile response times were being met, then the Town did not have the right to retain the 20%.

Mr. Webber advised that one of the provisions in the contract was to try to avoid litigation if at all possible and the contract also provided that the parties were first forced to go to mediation to discuss the issues before any lawsuit

was filed.

Mr. Flatley stated that he would like to meet with AMR on the contract and the reduction of personnel.

Councilmember Weiner stated that he would like to make AMR aware of what was contracted and indicated that he did not like be threatened with a lawsuit. He indicated that he had no intent to move forward with withholding of the 20% incentive pay; however, Council reserved the right to review the services each month. Councilmember Weiner requested that the impartial response times be obtained from the County and then the response times monitored.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to withdraw his motion [from the April 15, 1998 Council meeting]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis requested that Mr. Flatley report to Council each month for approval of bills. Mr. Wallace advised that Florida Law required him to pay a bill within 45 days.

13.3 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-167 EASEMENTS FROM BURGER KING CORPORATION FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

Town Clerk Reinfeld read the resolution by title.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

14. NEW BUSINESS

14.1 An Ordinance or Resolution Providing for Non-Interference with the Performance of Duties of Any Officer or Employee Appointed by the Town Administrator

Councilmember Bush stated that the idea of a non-interference policy came from a meeting of the League of Cities. He indicated that the Town had an implied agreement not to interfere with the Town Administrator and he was suggested that this be accomplished by ordinance. Councilmember Bush advised that Council should not be giving orders to staff or interfere with staff's functions and added that Council should go through the Town Administrator. Mayor Venis thought this was a good idea. Councilmember Weiner questioned to what extent the non-interference implied. Councilmember Bush recommended that each Council receive a survey conducted by the Town Clerk's Office and then place the item on the May 20th Council agenda. Mr. Flatley discussed Ft. Lauderdale's policy. Vice-Mayor Cox indicated that a policy was appropriate. Councilmember Weiner stated that he thought the policy should go beyond Council.

15. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:12 p.m.

APPROVED _____ Mayor/Councilmember

Town Clerk

